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OFFICE OF PETITIONS

In re Application of :
Kaneda : DECISION ON APPLICATION
Application No. 10/028,624 : FOR PATENT TERM ADJUSTMENT
Filed: December 20, 2001 :
Atty. Dkt. No.: 03310.023001 :

This is a decision on the "REQUEST FOR REINSTATEMENT OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705" filed January 5, 2007. This matter is being treated as an application for patent term adjustment under 37 CFR 1.705(b).

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **GRANTED**.

Applicant requests that the Determination of Patent Term Adjustment be corrected from 40 days, as indicated on the Determination of Patent Term Adjustment mailed December 27, 2006, to an adjustment of 105 days. Applicant argues that a response to the non-final Office action re-mailed April 1, 2004 was timely submitted August 2, 2004.

The correct PTA at the time of the allowance is 105 days, as argued by applicant.

Applicant does not contest the adjustment of 341 days under 37 CFR 1.702(a)(1).

Applicant contests the 97 day reduction under 37 CFR 1.704(b) in connection with the response to the non-final Office action submitted August 2, 2004.

A review of the record reveals that the correct adjustment in this regard is 32 days, as argued by applicant. The reduction began July 2, 2004, the day after the date that is four months after the date that the non-final Office action was re-mailed, and ended August 2, 2004, the date the response was submitted.

Applicant does not contest the remaining reductions for applicant's failure to engage in reasonable efforts to conclude prosecution.

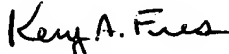
In review thereof, at the time of allowance, the application is entitled to an adjustment of 105 days, as argued by applicant.

The required PTA application fee of \$200.00 has been charged to applicant's deposit account as authorized.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.


Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Adjusted PAIR Calculation